

K. SETTLEMENT ORDER - CONFIDENTIAL

20-1

STATE OF CALIFORNIA DEPARTMENT OF HEALTH SERVICES
DEPARTMENT OF HEALTH SERVICES
214 744 P STREET
SACRAMENTO, CA 95814

DO NOT PUT IN THE BKK
FILE ^{OFFICE USE} OCT 0 1983

NP 

(916) 324-1326

September 23, 1983

CERTIFIED MAIL No. P 292 916 9
RETURN RECEIPT
REQUESTED

Kenneth Kazarian
BKK Corporation
P. O. Box 3038
Terrance, CA 90510

w/h

Dear Mr. Kazarian:

On June 1 and 2, 1983 the State Department of Health Services and the United States Environmental Protection Agency conducted a joint inspection of the BKK Sanitary Landfill (BKK) 2210 South Azusa Avenue, West Covina, California for the purpose of determining BKK's compliance with the provisions of its Interim Status Document (ISD) and State Hazardous Waste Control Laws. As a result of that inspection the Department has determined that BKK is in violation of certain provisions of its ISD.

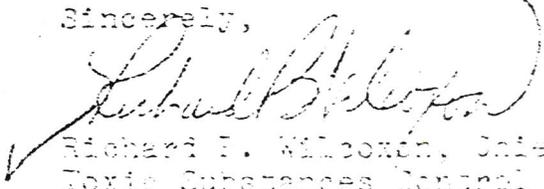
The Department is prepared to refer these violations to the Attorney General's Office for appropriate enforcement action. However, in order to expedite the correction of these violations and the resolution of this matter, the Department is willing to enter a Settlement Agreement on the terms contained in the attached documents. Under separate cover, the Department is also sending you certain modifications to your ISD concerning groundwater monitoring, site characterization and leachate management.

~oct 11

Please respond within ten days of your receipt of this letter to Marian King, Acting Enforcement Coordinator, 214/744 P Street, Sacramento, CA 95814 (916-324-1326). If a Settlement Agreement has not been reached within thirty days, the Department will refer the case for enforcement.

Oct 28

Sincerely,



Richard F. Wilcoxon, Chief
Toxic Substances Control
Division

Attachment

Richard F. Wilcoxon

BEFORE THE

DEPARTMENT OF HEALTH SERVICES

STATE OF CALIFORNIA

In Re:

BKK Sanitary
Landfill

ORDER
AND
SCHEDULE OF COMPLIANCE

The attached Settlement Agreement and Schedule of Compliance is hereby adopted by the Department of Health Service as an Order and Schedule of Compliance pursuant to Health and Safety Code Section 25187.

This Order shall become effective on _____.

IT IS SO ORDERED on this _____ day of _____.

Department of Health Services
State of California

1
2 BEFORE THE
3 DEPARTMENT OF HEALTH SERVICES
4 STATE OF CALIFORNIA

5 In Re:)
6) SETTLEMENT AGREEMENT
7 BKK Sanitary Landfill) AND
8) SCHEDULE OF COMPLIANCE
9)

10 I

11 On June 8 and 9, 1983 the State Department of Health
12 Services (Department) and the United States Environmental
13 Protection Agency (EPA) conducted a joint inspection of the BKK
14 Sanitary landfill (BKK), 2210 South Azusa Avenue, West Covina,
15 California for the purpose of determining BKK's compliance with
16 the provisions of its Interim Status Document (ISD) and State
17 Hazardous Waste Control Laws. As a result of that inspection,
18 the Department alleges that BKK is in violation of certain
19 provisions of its ISD.

20 II

21
22 This Settlement Agreement (Agreement) and Schedule of
23 Compliance (Order) have been agreed to by BKK and the
24 Department to resolve the matters alleged in Paragraph VI
25 without litigation and to facilitate implementation of the
26 measures described herein.
27

1 III

2
3 BKK and the Department admit and agree that the
4 Department has jurisdiction over these matters and the
5 parties and has jurisdiction to issue an order specifying a
6 schedule of compliance.

7
8 IV

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10 This Agreement and Order apply to and are binding
11 upon the parties and the officers, agents, successors and
12 assigns of the parties.

13
14 V

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16 For the purposes of this Agreement and Order, BKK
17 neither admits nor denies the allegations in Paragraph VI.
18 BKK agrees to waive any right to a hearing prior to issuance of
19 the Order, or on the allegations in Paragraph VI or prior to
20 the imposition of the penalty agreed to in Paragraph VII of
21 this Agreement.

22
23 VI

24
25 The Department alleges that BKK has violated or is in
26 violation of its Interim Status Document (ISD) for the
27 following reasons:

- 1 1. BKK did not specify in its written waste analysis plan the
2 frequency with which the initial analysis of a hazardous
3 waste will be reviewed or repeated to ensure that the
4 analysis is accurate and up-to-date. (ISD Section
5 III(3)(b)(4).)
- 6
7 2. BKK has not sealed the annular space in each monitoring
8 well and each monitoring/extraction well from immediately
9 above the sampling depth to the surface with a suitable
10 material, such as cement grout or bentonite slurry, which
11 is capable of preventing the contamination of samples and
12 any groundwater. (ISD Section V(1)(b).)
- 13
14 3. BKK's groundwater sampling and analysis plan does not
15 specify analytical procedures. (ISD Section V(2)(a)(3).)
- 16
17 4. BKK has not sampled quarterly for one year at all
18 monitoring wells to establish initial background
19 concentrations or values for all parameters specified in
20 Section V(2)(b) of its ISD. (ISD Section V(2)(c)(1).)
- 21
22 5. BKK did not identify the applicable year for the closure
23 and post-closure cost estimates submitted in its Site
24 Closure and Maintenance Report. (ISD Sections VII(1)(c)
25 and XI(8).)
- 26
27 6. BKK did not prepare an outline of a groundwater quality

1 assessment program by November 19, 1981. (ISD Section
2 V(3)(a).)

3
4 7. BKK has placed ignitable and/or reactive waste in the
5 landfill without treating, rendering or mixing the waste
6 before or immediately after placement in the landfill so
7 that the resulting waste, mixture or dissolution of
8 material is no longer ignitable or reactive. (ISD Section
9 X(6).)

10
11 VII

12
13 BKK agrees to pay to the Department a civil penalty
14 of \$25,000 pursuant to Health and Safety Code Section 25189(b).

15
16 VIII

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18 BKK agrees to perform the following actions to remedy
19 the violations alleged in Paragraph VI:

20
21 1. Within 30 calendar days of the effective date of the Order,
22 BKK shall submit to the Department a Plan to correct the
23 violation alleged in Paragraph VI(2). ^{annular seal} The Plan shall include a
24 schedule of work and procedures and proposed well locations and
25 well design specifications. The Department shall review the
26 proposed Plan and either approve it or specify modifications
27 prior to its implementation by BKK. BKK shall implement the

*expect
to be
in same
area (around
wells)*

1 approved Plan and shall complete all of the work necessary to
2 finish the Plan within 45 calendar days from the date of
3 approval unless the Department specifies a later date after the
4 Plan is submitted. (ISD Section V(1)(b).)

5
6 2. Within 15 calendar days of the effective date of the Order,
7 BKK shall amend its groundwater sampling and analysis plan to
8 specify all analytical procedures. BKK shall obtain the
9 Department's approval of its amended plan. (ISD Section
10 V(2)(a)(3).)

11
12 3. BKK shall immediately begin sampling at each existing
13 monitoring well or replacement well installed pursuant to
14 section (1) of this paragraph to establish concentrations or
15 values for all parameters specified in Section V(2)(b) of its
16 ISD and shall continue to sample monthly for four months and
17 quarterly thereafter for two calendar quarters for a total of
18 at least six samples per well. (ISD Section V(2)(c)(1).)

19
20 4. Within 15 calendar days of the effective date of the Order,
21 BKK shall submit to the Department a written statement which
22 identifies the applicable year for the closure and post-closure
23 costs estimates previously submitted in its Site Closure and
24 Maintenance Report. (ISD Sections VII (1)(c) and IX (8).)

25
26 5. BKK shall respond in a timely manner to any comments it
27 receives from the Department on its outline of a groundwater

1 quality assessment program which was submitted to EPA
2 by BKK on August 1, 1983. (ISD Section V(3)(a).)
3
4 6. Within 30 calendar days from the effective date of the
5 Order, BKK shall submit to the Department a detailed written
6 technical report which demonstrates that all ignitable or
7 reactive wastes are rendered neither ignitable nor reactive,
8 immediately after placement in the landfill. (ISD Section
9 X(6).)

10
11 IX
12

13 If, for any reason, BKK is unable to perform any
14 activity or submit any document in compliance with the schedule
15 set forth herein or in compliance with any work schedule
16 submitted pursuant to this Agreement and approved by the
17 Department, BKK may request, in writing, an extension of the
18 time specified. The extension request shall include a
19 justification for the delay.
20

21 If the Department is convinced that good cause exists
22 for an extension it will grant the request and specify in
23 writing a new schedule. BKK shall comply with the new
24 schedule. No penalty shall be imposed or paid pursuant to this
25 paragraph for any time period included within an extension
26 granted under this paragraph.
27

/////

X

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3 In the event that BKK fails to submit any document or
4 perform any activity within the time specified in the Order and
5 Schedule of Compliance, including any work schedule submitted
6 under this Agreement and approved by the Department, BKK shall
7 pay to the Department a civil penalty of \$5000 for each
8 noncompliance and each day of noncompliance pursuant to Health
9 and Safety Code Section 25188. No penalty shall be imposed or
10 paid under this paragraph if BKK can establish that its failure
11 to comply with a deadline is due solely to an Act of God.

12
13 XI

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15 Except as specifically provided in Paragraph XII,
16 nothing in this Agreement or Order shall be construed to
17 prevent or limit the Department from taking any additional
18 action authorized by law.

19
20 XII

21
22 In consideration of BKK's performance under this
23 Agreement, and upon completion of that performance in
24 compliance with this Agreement and Order, the Department hereby
25 covenants not to take civil judicial action against BKK on the
26 matters alleged in Paragraph VI.

XIII

Wherever notification or submission of documents are required under this Agreement, three copies shall be submitted to John Hinton, Regional Administrator, Department of Health Services, 107 South Broadway, Los Angeles, CA 90012. If this person or address change, BKK will be immediately notified.

XIV

BKK and the Department hereby consent to this Agreement and the issuance of the Order and Schedule of Compliance by their duly authorized representatives and stipulate that without the necessity of a hearing or findings of fact and conclusions of law the Director of the Department of Health Services or his duly authorized representative may enter an order binding on the parties in accordance with this Settlement Agreement and Schedule of Compliance.

DATE

Department of Health Services
State of California

DATE

BKK Sanitary Landfill